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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,250	12/29/2000	Hans Carlsson	4015-665	8630
24112	7590	10/31/2005		
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			EXAMINER PHAN, TRI H	
			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/751,250	Applicant(s) CARLSSON ET AL.	
	Examiner Tri H. Phan	Art Unit 2661	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: 14 and 15.
 Claim(s) objected to: 2 and 12.
 Claim(s) rejected: 1, 3-11, 13 and 16-23.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

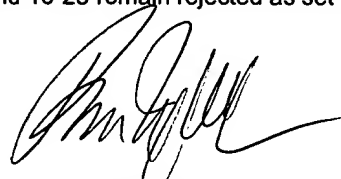
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☒ Other: See Continuation Sheet.

Continuation of 11. does NOT place the application in condition for allowance because: the applicant's arguments on claims 1, 10, 16, and 21, filed on 9/23/2005, are not persuasive. The traversal is based on the ground: Applicant mainly argues that the combination of Faccin et al. (GPRS and IS-136 Integration for Flexible Network and Services Evolution, June 1999, Nokia Research Center, IEEE Personal Communications, 1070-9916/99, pages 48-54; hereinafter refer as 'Faccin') in view of Daly et al. (U.S.6,393,014; hereinafter refer as 'Daly') does not disclose about the interworking function including the formatter to translate broadcast teleservice messages from the first messaging protocol used in the circuit-switched network into the second messaging protocol used in the packet-switched network. Examiner respectfully disagrees. Faccin discloses in figures 3 and 5, about the method and apparatus for providing the mobile user access to the packet data network, e.g. X.25 or Internet network ("packet-switched network"), from the cellular network, e.g. GSM or PSTN ("circuit-switched network"); wherein the SMS-GMSC/SMS-IWMSC ("broadcast message center/interworking function") incorporated with the SGSN for converting and transport short messages from the short message switching center SM-SC ("broadcast messages") as new services to/from mobile stations (see figures 3 and 5; The GPRS System: page 50, 11th paragraph; Services and Future Evolution: pages 53-54); but fails to explicitly disclose about the "teleservice" message. Daly discloses in figures 2 and 4; about the method and system to communicate data to the mobile station registered with the first network operating under the first protocol with the second network operating under the second protocol; where the data from the Teleservice center ("broadcast teleservice message center") can be translated into the appropriated format (see col. 3, lines 15-55; col. 6, lines 38-57) through the message center ("formatter") and transferred between two different network operations with different protocol data format (see col. 8, lines 48-54). Thus it would be obvious to the person of ordinary skill in the art at the time of the invention was made to implement the invention as taught by Daly, by implementing the Teleservice server and message center into the Faccin's SMS-GMSC/SMS-IWMSC, with the motivation being to provide the ability to transporting the teleservices as new services from the Internet network to the mobile station on a non-IP network as disclosed in Daly: col. 1, lines 8-10; col. 2, lines 35-55. Therefore, examiner concludes that the combination of Faccin and Daly teaches the arguable features. Perhaps applicant refers to certain features that are disclosed in the present application but not recited in the rejected claims in making the contention that the method for "translating" the broadcast teleservice messages in the present application is different from the method of "translating" messages of the combination of Faccin and Daly references as disclosed above in the argument. However, the examiner can not find the difference between the method "translating" the broadcast teleservice with the method "translating" data format between two different protocols of the combination of Faccin and Daly in the present application's specification. Applicant also provides the difference between the definitions "translat[ing]" and "encapsulat[ing]" through the Wiley Electrical Electronics Engineering Dictionary with the copy attached. However, the claim term definitions must depend more heavily on the information intrinsic to the application for guidance as to the meaning of the claims, which is not much reliance on extrinsic sources such as dictionaries, treatises, and encyclopedias in supporting claim differentiation. Note also, for example, the decision from the Court of Appeals for the Federal Circuit (CAFC) in July in Phillips v. AWH Corp. for the full, en banc ruling in clearly support or antecedent basis in the written description for the claim term definition, so that the meaning of the terms in the claims may be ascertainable by reference to the written description for guidance, when conducting claim construction.

Continuation of 13. Other: Claims 1,3-11,13, and 16-23 remain rejected as set forth in the final rejection of paper no.20050713.



BRIAN NGUYEN
PRIMARY EXAMINER